

Remarks

Claims 1 and 4-8, 11-15 and 20-28 are pending.

In the Office Action of April 1, 2003, the Examiner objected to the specification as containing new matter. Specifically, the Examiner required all references to controlling a fire or control burn and pages 8, lines 15-18 be removed. The Examiner then rejected claims 1-10, 15-23 and 25-27 under 35 U.S.C. 112, first paragraph as containing subject matter not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. The Examiner stated that the original specification did not disclose a method of controlling a fire, a method of providing a controlled fire, the steps of reducing the exterior temperature of the blower, the steps of propelling the exhaust gas away from the users or a device for starting a controlled burn. This rejection is respectfully traversed.

The device creates and air stream that may be used either to extinguish a fire or to direct a backfire or a controlled fire in a desired direction. Exhaust gases added to the air stream help starve a fire of oxygen to extinguish the fire. The Examiner states that the specification did not disclosure a method of controlling fire, a method of providing a controlled fire or device for starting a controlled burn. Webster's dictionary provides the following definitions:

"Backfire 1. To start a fire deliberately in order to check a forest or prairie fire by creating a barren area in advice of it.

"2. a fire stared intentionally to check the advance of a forest fire or prairie fire."

"Fire control 1. The supervision or prevention of fires."

"Control 1. To prevent the flourishing or spread of: to control a forest fire."

"Fire break: 1. a *strip of plowed or cleared land* made to check the spread of a prairie or forest fire."

As can be deduced from these definitions, fire control is the supervision or prevention of fires and to prevent the flourishing or spread of: to control a forest fire. The use of the device to propagate a backfire in a desired direction is controlling a fire, providing a controlled fire and starting a controlled burn. The apparatus and method for using same disclosed in the application relates to a controlled fire and controlling a fire.

The application discloses the introduction of exhaust into the air stream. The air stream is moving at high velocities and is directed by the user at a fire. This air stream carries exhaust gases that, moving at high speeds, are quickly and safely propelled away from the user. The introduction of the exhaust into the air stream also reduces the exterior temperature of the blower. The exhaust produced by the blower is hot and moving the exhaust away from the blower reduces the exterior temperature of the blower when compared to a blower that does not expel the exhaust at high speeds.

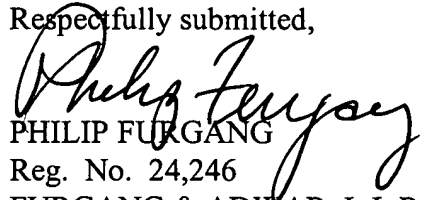
In view of the foregoing, it is respectfully requested that the objections to the specification and rejection of the claims for new matter be withdrawn.

The claims have been amended to incorporate subject matter not rejected under art by the Examiner. Specifically, the claims now state that the exhaust is fed to the output. In the

device disclosed by *Colodner*, exhaust is fed to the air intake. This has the advantage of cooling the blower, whereas this advantage is not present in *Colodner*. Also, the claims recite the structure of the valve responsible for this function.


All claims are allowable over the prior art and favorable action is eagerly and earnestly solicited. If any issues remain, and the Examiner believes a telephone conversation will resolve such issues, the Examiner is urged to contact the undersigned attorney.

Respectfully submitted,


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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed: Commissioner for Patents


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